

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIX HUNDRED SIXTEEN
THOUSAND TWO HUNDRED
(616,200) CIGARETTES OF
ASSORTED BRANDS,

Defendants.

NO. CV-04-191-RHW

**FINAL ORDER OF
FORFEITURE**

Plaintiff, United States of America, filed a Verified Complaint for Forfeiture In Rem on June 10, 2004, alleging that the defendant property was subject to forfeiture to the United States pursuant to 18 U.S.C. § 2344(c).

The above court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The Defendant property is described as follows:

Six hundred sixteen thousand two hundred (616,200) cigarettes of assorted brands.

The Notice of Complaint for Forfeiture was published on August 2nd, 9th, and 16th, 2004, in the Yakima Herald Republic, a newspaper of general circulation in Yakima County, Washington. Based upon the last date of newspaper publication, the last date to file a claim was September 16, 2004.

On June 29, 2004, Nicholas Matheson and Michael Allen were served via certified mail with a copy of the Verified Complaint for Forfeiture In Rem, and Notice of Complaint for Forfeiture, as evidenced by the Certificate of Service of

1 Notice by Mail, filed in this matter on June 29, 2004.

2 On July 9, 2004, Nicholas Matheson d/b/a Fightin' Creek Smoke Shop
3 (hereafter "Claimant"), filed a claim to the Defendant property. On July 20, 2004,
4 Claimant filed an answer.

5 To date, no claim and answer has been received from Michael Allen.

6 In a Stipulation to Withdraw Claim, filed on June 29th, 2010, Claimant
7 agreed to withdraw his/its claim to the Defendant property.

8 It appearing to the Court that there are no pending claims to the Defendant
9 property;

10 **IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:**

11 1. The Defendant 616,200 Cigarettes of Assorted Brands, is hereby
12 forfeited to the United States, and no interest exists in any other person.

13 2. The United States shall dispose of the Defendant cigarettes in accordance
14 with law.

15 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
16 enter this Order and furnish copies to counsel and **close the file.**

17 **DATED** this 13th day of July, 2010.

18
19 *s/Robert H. Whaley*

20 ROBERT H. WHALEY
21 United States District Judge

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